

Military personnel—Continued

	<i>Amount (in thousands of dollars)</i>
Navy: Deferred PCS (CNO UFR)	100,000
Air Guard: Recruiting and retention bonuses	59,000
Leg. proposal not adopted: Extend basic pay table to 40 years of service	– 4,000
Targeted pay raise savings due to 0.5% basic pay increase	– 5,000
Unexpended MILPERS balances	– 1,839,000

Section 422—Armed Forces Retirement Home

This section would authorize \$54.8 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2007.

TITLE V—MILITARY PERSONNEL POLICY

OVERVIEW

The committee's recommendations reflect heavily the views and issues raised by servicemembers to committee Members and staff during oversight visits in the United States, in the combat zones of Southwest Asia, and across the world. Furthermore, the recommendations in this title represent the committee's continuing commitment to support the dedicated, exceptional Americans who serve in the armed forces. The committee recognizes that the active duty, national guard, and reserve members serving today are performing superbly, notwithstanding the many stresses of the global war on terrorism. The committee trusts that the recommendations made here will help to relieve some of that stress and also recognize the significant sacrifices that take place each day in the lives of the men and women who serve in uniform, and in the lives of the families that support them.

A major focus of this title involves not only servicemembers who have been wounded or injured, but also the surviving family members of those who have died or been seriously injured in service. Such focus continues the committee's initiatives enacted in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to improve programs that directly affect the injured, the wounded and the survivors. Therefore, the committee recommends the following:

(1) The remains of military personnel who die during combat operations or who die of non-combat related injuries in the theater of combat, would be moved by dedicated aircraft, from Dover Air Force Base, Delaware, to the military airfield nearest to the servicemember's place of interment and would be accompanied by military personnel who would render military honors at the destination airfield.

(2) The military services' physical evaluation board (PEB) process would be reformed to address concerns of military members, particularly reserve component members, about the consistency and timeliness of PEB decisions, the ability of members to gain information about PEB procedures, and the rationale supporting board decisions.

(3) The Secretary of Defense would be authorized to provide computer/electronic assistive technology, devices, and tech-

nology services to military personnel who have sustained a severe or debilitating illness or injury while serving in support of a contingency operation and keep those devices after they separate from the military.

The reserve components constitute another major focus of this title. Their roles and responsibilities have changed dramatically since the start of the global war on terrorism and the committee believes it is necessary to adjust existing authorities and create new authorities to better reflect the nation's continuing reliance on the national guard and the reserves. Therefore, the committee recommends:

(1) New authority to enable the mobilization of members of the reserve components to provide assistance in serious natural or manmade disasters.

(2) An extension from 270 days to 365 days the maximum period of mobilization under what is known as the President's Selected Reserve Call-up authority.

(3) New authority that formally authorizes current practices in which full-time national guard and reserve members are performing many additional functions beyond their traditional support to the reserve components. Such additional functions include instructing and training active duty members, Department of Defense civilians and foreign military personnel in the United States.

(4) New authority that would authorize State governors, under title 32, United States Code, to mobilize national guard forces to support operational missions taken at the request of the President or the Secretary of Defense, and to perform training operations and missions assigned by the secretaries of the Army or Air Force.

Finally, in this title, the committee makes recommendations to improve the quality of the service and the quality of life of servicemembers and their families and to recognize that service. Those recommendations include the following:

(1) Supplementary funding, totaling \$65.0 million, for local educational agencies that are heavily impacted by the attendance of military dependents or that experience significant increases or decreases in the average daily attendance of military dependent students due to military force structure changes.

(2) Permanent authority for the military services, especially the Army, to reduce from 24 months to 18 months the minimum time-in-grade required for promotion from 1st lieutenant to captain, using an Army example. This authority would assist the military departments in meeting long-term unit and operational requirements.

(3) Improved transition assistance for servicemembers leaving active duty by directing that the Secretary of Defense require attendance at the Department of Labor transition assistance programs of all who had not previously attended.

(4) Authorization of a Cold War Victory Medal that would be issued upon the application of an eligible enlisted member, officer, or warrant officer who served during the Cold War; and the authorization of the award of the Purple Heart to members of the armed forces who died as prisoners of war in captivity,

or who died after captivity due to illness or injury sustained while a prisoner of war.

ITEMS OF SPECIAL INTEREST

Academy Language Training

The committee notes that the Department of Defense has placed great emphasis on improving the strategic language posture of the United States. The military academies of the United States are implementing new plans to strengthen their current programs. Accordingly, the committee directs the secretaries of the Army, Navy, and Air Force to report on the current state of language programs and the plans for implementing a strategic language development program at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy. In consultation with the superintendents of each academy, the secretaries should provide data on the number of students participating in language training, the languages in which they are participating, levels of proficiency, and language classes offered. In addition, the superintendents should identify their plans for expanding foreign language programs, provide an update on their current implementation of the language initiatives included in the fiscal year 2007 budget request, and describe the costs required for the programs.

The committee directs the Secretaries to submit their plans for the expansion of language programs and the resource requirements to accomplish them to the Senate Committee on Armed Services and the House Committee on Armed Services 180 days after the date of enactment of this Act.

Closure of Article 32 Investigations in Cases of Sexual Assault or Domestic Violence

The committee directs the Secretary of Defense to review the procedures used in pretrial investigations under Article 32 of the Uniform Code of Military Justice. The purpose of the review is to identify additional criteria and factors for inclusion in the Manual for Courts-Martial that would better serve to guide commanders and investigating officers, in cases of sexual assault and domestic violence, in determining when, and to what extent, such Article 32 proceedings should be closed to spectators, the media, and others in order to protect witnesses and victims of crime against inappropriate treatment, intimidation, or embarrassment, or from unwarranted publicity or sensationalism resulting from their role in testifying or providing evidence in the investigation. The review shall be conducted with the particular interests in mind for victims of sexual assault and domestic violence and the unique concerns that may be associated with or accompany their testimony in a public forum, as well as for all other victims and witnesses who may provide less than complete testimony in a public setting due to embarrassment or timidity. In conducting the review, the Secretary should also consider the recommendation made on this matter in the June 2005 "Report of The Defense Task Force on Sexual Harassment & Violence at the Military Service Academies" that Congress should amend Title 10 of the U.S. Code regarding Article 32 to explicitly permit commanders to close the hearings to the public.

The Secretary should also consider, in this review, prior precedent regarding the closing of Article 32 proceedings to the public in decisions of the United States Supreme Court, United States Court of Appeals for the Armed Forces, and the Military Departments' Courts of Criminal Appeals. The committee directs the Secretary of Defense to present to the House Committee on Armed Services and the Senate Committee on Armed Services a report on the results of this review and any recommendations for change to the Manual for Courts-Martial no later than April 15, 2007.

Department of the Navy Personal Responsibility and Values:
Education and Training Program

The Committee is aware that the Navy's Personal Responsibility and Values: Education and Training (PREVENT) program has enjoyed great success in addressing alcohol and drug abuse issues among new recruits and enlisted sailors between the ages of 18–26. The committee is impressed that the Navy is using the PREVENT program to empower junior members to take responsibility for their lives by making positive choices designed to enhance personal and professional effectiveness. Specifically, the committee notes that the program gives sailors the tools they need to avoid, reduce, or eliminate risky, self-destructive behaviors such as alcohol and substance abuse that adversely impact Navy readiness and performance.

Given the positive outcomes this program has achieved in the lives of sailors and its contributions to readiness and mission performance, the committee urges the Secretary of the Navy to increase funding for this program to ensure that additional Navy personnel have the opportunity to participate. Additionally, the committee recommends that the Secretary extend the benefits of participation in the PREVENT program to enlisted personnel in the Marine Corps. Accordingly, the committee directs the Secretary of the Navy to study the feasibility of allocating additional funding to the PREVENT program and extending eligibility to Marine Corps personnel.

The committee directs the Secretary to report his findings and recommendations by March 31, 2007, to the Senate Committee on Armed Services and the House Committee on Armed Services.

Educational Opportunities in Interagency Coordination at the
Military War Colleges

The committee believes that improving interagency coordination is vital to U.S. national security, and that the military war colleges should provide educational opportunities in the area of interagency coordination. The committee commends the Department on the steps it has already taken to incorporate the subject of interagency coordination in its professional educational activities but believes that opportunities may exist to increase the interagency component in those educational activities.

Therefore, the committee directs the Secretary of Defense to submit to the Senate Committee on Armed Services and the House Committee on Armed Services, by April 1, 2007, a report on the steps the military war colleges should take to provide educational opportunities in the area of interagency coordination. The report

shall address the advisability of creating faculty positions or chairs in each war college to allow faculty representation from the Department of Justice, the Department of State, the Department of Homeland Security, and agencies under the oversight of the Director of National Intelligence. The report shall include estimates of the cost of implementing the findings of the report.

Joint Advertising, Market Research and Studies

The Joint Advertising, Market Research and Studies (JAMRS) program is the Department of Defense's (DOD) corporate level effort to bolster the effectiveness of the recruiting programs conducted by the military services. Among its principal initiatives is a campaign to build advocacy and support among parents, teachers, and coaches for service to the nation by ensuring that these key influencers of youth have the facts about military service and are able to engage in conversations with youth about serving the nation in the military. The committee has received testimony from a wide range of senior DOD personnel regarding the challenges recruiters face in convincing youth influencers about the value of service to the nation. The committee notes that despite such testimony, the budget request for JAMRS has not increased over the last two years, remaining at \$7.0 million. The committee believes that this funding level is insufficient and urges the Secretary of Defense to substantially increase future funding for JAMRS.

Operation of Army Air Ambulance Detachments

The committee understands that the Army will discontinue the operation of the Army air ambulance detachment at Fort Drum, New York, and replace the military capability with a contracted air ambulance service to support only the installation needs. Replacing the military air ambulance capability with a contracted, on-call civilian service could potentially result in reduced aeromedical evacuation capability and responsiveness for on-post emergencies and accidents. Furthermore, the loss of the military air ambulance unit means the end of military support under the Military Assistance to Safety and Traffic (MAST) program. As a result, the region surrounding Fort Drum will face a devastating loss of emergency response capability. Providing at least an equal replacement capability, in a cost-effective manner, will be extremely difficult, because of the relative isolation of the installation and the climatic challenges of the region. Given the potential negative impact on both the installation and the region, the committee directs the Secretary of the Army to continue to provide military air ambulance support to the Fort Drum installation, as well as to support to the region surrounding the installation under the MAST program. To evaluate any future decision regarding the continuation of military air ambulance support at Fort Drum, the committee also directs the Secretary of the Army to provide the committee with the following:

- (1) The plan for stationing air ambulance detachments at U.S. military installations and the discreet criteria used to determine that stationing;
- (2) A report on the cost-effectiveness and changes in medical response factors at other installations where Army air ambu-

lance detachments have been replaced by contracted capabilities; and

(3) A review of the potential contracting out options at Fort Drum, to include, an analysis of the feasibility of an umbrella contract for aeromedical evacuation that provides not only support to Fort Drum, but also to the region.

Permanent Identification Cards for Adult Disabled Children

The committee is concerned by reports that military members with permanently disabled dependent children are required to periodically renew identification cards for their children. This process is especially cumbersome and demanding for elderly parents of adult children who must meet the challenge of the verification process repeatedly over the course of many years. The committee believes that there is an option to develop a procedure to grant permanent identification cards for adult children without significant risk to the integrity of the military identification system. Therefore, the committee directs the Secretary of Defense to study the feasibility of providing discretionary authority to the secretaries concerned to grant permanent military identification cards to adult children of military members when disabilities can be medically validated as permanent and financial support qualification can be assessed as being of indefinite duration.

The committee directs the Secretary to submit a report on his findings and recommendations by March 31, 2007, to the Senate Committee on Armed Services and the House Committee on Armed Services.

Personnel Plan for Linguists

The committee continues to be very concerned about the need to develop a comprehensive plan for better management of both officer and enlisted linguists in the armed forces. The committee believes that current personnel programs fail to provide linguists adequate incentives to achieve their full potential in language and cultural skills and sufficient promotion opportunities within the linguist career path. The committee is particularly concerned that enlisted members are denied promotion opportunities to senior non-commissioned officer grades. The committee believes that the military departments should invest sufficient grade structure in the services' career paths for linguists to allow highly skilled members to compete for promotion within their linguist specialties without feeling that they must either change their specialty to improve their promotion opportunity or remain a linguist and sacrifice their promotion potential. The committee anxiously awaits the Secretary's report on the need for a personnel plan for linguists in the armed forces, required by section 581 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) and trusts that it will address the Committee's concerns about the promotion of linguists.

Process for Restructuring the Army National Guard

The Army's active, reserve, and national guard are integral partners in the sustained success of the "one" Army concept. The committee, therefore, is concerned that force structure changes pro-

posed in December 2005 would have had a profound impact on the national guard if developed without the active participation of, or consultation with, the Army National Guard. The committee strongly believes that any plan to restructure the Army National Guard should be achieved through a transparent and inclusive process. The National Guard Bureau and the Adjutants General should be full partners in the development of Army National Guard transformation plans. The committee urges senior Army leadership, the National Guard Bureau, and the Adjutants General to confer jointly to develop a process to ensure the Army National Guard is properly postured, prepared, and equipped to meet its warfighting requirements, as well as its homeland defense and emergency response requirements.

Social Security Numbers on Military Identification Cards

The committee is aware that many service members are concerned that the inclusion of their social security numbers on military identification cards places them at greater risk of identity theft. Although the committee recognizes that a new generation of identity cards may eliminate this risk in the future, there would seem to be a more urgent need for the Department of Defense to develop an alternative that would allow servicemembers to request that the social security number be eliminated from their identification cards or another number be substituted for the social security number. The committee notes that other State and local governments have responded to the increasing risk of identity theft with similar alternative procedures. Therefore, the committee directs the Secretary of Defense to study the feasibility of developing an alternative process that would allow servicemembers to immediately request that their military identification cards do not include their social security numbers.

The committee directs the Secretary to submit a report on his findings and recommendations by March 31, 2007, to the Senate Committee on Armed Services and the House Committee on Armed Services.

Trafficking in Persons

The committee has followed with interest the Department of Defense's (DOD) response to the crime of human trafficking. The Committee appreciates the steps that the DOD and various combatant commanders have taken to address human trafficking since 2002. The Secretary of Defense's strongly worded memo of September 16, 2004 entitled "Combating Trafficking in Persons," was particularly welcome. Such unequivocal leadership is essential for setting standards and creating a culture that deters any sort of human trafficking. Further, the committee believes that actions must be taken by DOD to implement the zero tolerance policy mandated by the Secretary of Defense. To this end, the committee directs the following:

- (1) The Secretary of Defense is to ensure that combatant commanders designate a person on their respective staffs to carry out anti-trafficking programs and oversee implementation of OSD anti-trafficking directives; and

(2) Military criminal investigators and prosecutors be trained on how to use existing provisions in the Uniform Code of Military Justice, the Manual for Courts-Martial, and the Military Extraterritorial Jurisdiction Act to identify and prosecute human trafficking cases;

(3) The Joint Service Committee on Military Justice study whether the Uniform Code of Military Justice and Manual for Courts-Martial are adequate to proscribe trafficking in persons by military personnel; and

(4) The Office of the Secretary of Defense shall compile and disseminate to combatant commanders best practices to combat trafficking, particularly those which have already been used effectively by one or more combatant commander.

Victim Service Organization Privilege in Cases Arising Under Uniform Code of Military Justice

The committee directs the Secretary of Defense to review the issue of privileged or protected communications made by victims of sexual assaults to health care providers and victim advocates. The purpose of the review is to identify whether potential changes to the Manual for Courts-Martial should be made to extend the privileges that are already included within Section V of the Military Rules of Evidence to include health care providers and victim advocates.

This review should include:

(1) Existing privileged or protected communications that currently exist in Federal and state law and the Manual for Courts-Martial for both victim advocates, which include any representative of a victim service organization, and health care providers, or a representative of a health care provider, and the reasoning behind those privileges;

(2) Definitions and qualifications of victims advocates and health care providers, as defined above; especially the education and training that is involved in order to become a victim advocate or health care provider; and whether those qualifications should be a factor in defining the privilege.

(3) The nature of the relationship between the victim, victims advocate and health care provider.

(4) The role and responsibilities of the victim advocate.

(5) The extent to which the privilege can be claimed by individuals other than the victim, victims advocate and health care professionals.

(6) Whether these individuals are military personnel or civilians and whether there are any state licensing requirements for these positions. If there are state licensing requirements or if individuals are licensed in a state then the review should include what the state licensing requirements entail and whether or not any state requirements could conflict if privileged communication were to be extended to victim advocates and health care providers.

(7) An analysis of the recommendation made on this matter in the June 2005 "Report of The Defense Task Force on Sexual Harassment & Violence at the Military Service Academies" that Congress should create a statutory privilege protecting communications made by victims of sexual assault to health

care providers and victim advocates. This recommendation stated that the privilege should extend to both medical and mental health care providers and to those victim advocates designated and trained to perform that duty in a manner prescribed by Department of Defense regulation.

(8) A review of prior precedent regarding privilege and the rights of the accused, weighing the accused rights and the rights of the victim in decisions of the United States Supreme Court, United States Court of Appeals for the Armed Forces, and the Military Departments' Courts of Criminal Appeals.

The committee directs the Secretary of Defense to present to the Senate Committee on Armed Services and the House Committee on Armed Services a report on the results of this review and any recommendations for change to the Manual for Courts-Martial no later than April 15, 2007.

Web-based Enhancement to Support Family Readiness Programs

The committee commends the Department of Defense and the military services for their efforts to improve family support programs for both active duty and reserve families. However, the committee is concerned that extended and multiple deployments may have an adverse impact on the stability of military families and believes the services should explore efforts to use new technologies to further enhance outreach and support to such families. It has been shown that the use of volunteer-based family support groups has been very effective in helping to build self-sufficient families and provide critical support in times of need. The committee understands that the Army is using a new technology called the Virtual Family Readiness Group that is proving to be an effective tool for family support groups to communicate and collaborate across geographic, temporal and other boundaries such as geography, war zones, languages, installations, and deployments. The committee urges the other services to explore using similar interactive technology to support their family readiness teams to improve efficiency and create more effective outreach avenues for military families particularly during this period of high deployment tempo.

LEGISLATIVE PROVISIONS

SUBTITLE A—OFFICER PERSONNEL POLICY

Section 501—Authorized Strength of Navy Reserve Flag Officers

This section, while retaining the authorized strength of Navy Reserve flag officers at 48, would eliminate existing limitations on the distribution and allocation of those flag officers. Present law mandates a numerical boundary between the line and staff corps and makes specific flag officer allocations among the staff corps elements.

Section 502—Standardization of Grade of Senior Dental Officer of the Air Force with that of Senior Dental Officer of the Army

This section would require that the officer serving as the senior dental officer in the Air Force be appointed in the grade of major

general. This is the same grade to which the officer serving as the Chief of the Dental Corps in the Army is appointed.

Section 503—Management of Chief Warrant Officers

This section would authorize the secretary concerned to retain Chief Warrant Officers, W-4, after twice failing to be promoted using procedures prescribed by the secretary without a mandatory selective continuation board, as required under current law. This section would also increase the years of service as a warrant officer that would require mandatory retirement from 24 to 30 years of service.

Section 504—Reduction in Time-in-Grade Requirement for Promotion to Captain in the Army, Air Force, and Marine Corps and Lieutenant in the Navy

This section would make permanent the authority to reduce from 24 months to 18 months the minimum time-in-grade required as an O-2 before being eligible for promotion to the grade of O-3.

Section 505—Military Status of Officers Serving in Certain Intelligence Community Positions

This section would clarify that general and flag officers assigned to senior level positions within the Central Intelligence Agency and the Office of the Director of National Intelligence shall not be subject to the supervision or control of the Secretary of Defense and shall not exercise supervision or control over Department of Defense personnel. This section would further clarify that the assignment of an officer to such a position would not affect the officer's status, grade, rank, compensation, rights, or benefits and that officer's military pay and allowances would be reimbursed to the Department of Defense from funds available to the Director, Central Intelligence Agency or the Director of National Intelligence, as appropriate.

SUBTITLE B—RESERVE COMPONENT MANAGEMENT

Section 511—Revisions to Reserve Call-up Authority

This section would extend from 270 days to 365 days the duration of service for members of the Selected Reserve and Individual Ready Reserve involuntarily called to active duty to support operational missions. This section would also permit the President to use this authority to order reserve component members to active duty to provide assistance in serious natural or manmade disasters, accidents or catastrophes that occur in the United States, its territories and possessions, the District of Columbia and the Commonwealth of Puerto Rico. This section would also establish criteria that the Secretary of Defense must consider to ensure the fair treatment of reserve component personnel before mobilizing them under this authority.

Section 512—Military Retirement Credit for Certain Service by National Guard Members Performed While in a State Duty Status Immediately After the Terrorist Attacks of September 11, 2001

This section would authorize reserve retirement credit for members of the Army National Guard and the Air National Guard who were mobilized in a State active duty status in response to the declaration of federal emergencies in the counties of the State of New Jersey surrounding New York City following the terrorist attacks of September 11, 2001.

Section 513—Report on Private Sector Promotion and Constructive Termination of Members of the Reserve Components Called or Ordered to Active Service

This section would require the Secretary of Defense to report on the post-mobilization effects on the private sector employment of members of the reserve components. Thus, this section would require the secretary to provide data, based on information voluntarily provided by reserve component members, not only on post-mobilization private sector promotions, but also on the voluntary resignations by the reservist because of private sector working conditions the employee found unbearable. The secretary's report to the Senate Committee on Armed Services and the House Committee on Armed Services would be due no later than March 1, 2007.

SUBTITLE C—EDUCATION AND TRAINING

Section 521—Authority to Permit Members Who Participate in the Guaranteed Reserve Forces Duty Scholarship Program to Participate in the Health Professions Scholarship Program and Serve on Active Duty

This section would authorize the Secretary of the Army to modify agreements entered into by cadets in the Reserve Officers' Training Corps who participate in the Guaranteed Reserve Forces Duty Scholarship Program so that a cadet or former cadet could receive assistance under the Armed Forces Health Professions Scholarship Program (HPSP) and serve on active duty as required by the HPSP. At present, a cadet who participates in the Guaranteed Reserve Forces Duty Scholarship Program must serve in a reserve component troop program unit.

Section 522—Junior Reserve Officers' Training Corps Instruction Eligibility Expansion

This section would allow the employment of retired reserve and national guard members as Junior Reserve Officers' Training Corps (JROTC) instructors. Existing law only allows the employment of active duty and retired regular officers and non-commissioned officers as JROTC instructors. This section would also decouple the JROTC instructor salaries of retired reserve and national guard from active duty pay and military retirement entitlements and allow the secretary of the military department concerned to determine their salaries and to reimburse the JROTC host institution by an amount determined by the secretary concerned.

Section 523—Authority for United States Military Academy and United States Air Force Academy Permanent Military Professors to Assume Command Positions While on Periods of Sabbatical

This section would authorize the secretaries of the Army and the Air Force to assign military officers who are permanent professors at the United States Military and Air Force Academies, respectively, to act in a command capacity while on sabbaticals outside the academic realm of the academies.

Section 524—Expansion of Service Academy Exchange Programs with Foreign Military Academies

This section would increase from 24 to 100 the number of cadets at the United States Military Academy and the United States Air Force Academy, and the number of midshipmen at the United States Naval Academy, who may participate in exchange programs with foreign military academies. This section would also increase from 24 to 100 the number of students from foreign military academies whom may receive instruction at each of the service academies. Furthermore, this section would increase from \$120,000 to \$1.0 million the amount of appropriated funding that each service academy could expend in support of the exchange programs and would authorize the academies to also use additional funding that was provided from other than appropriated sources to support the exchange programs. The committee, however, does not intend that the additional funding from other than appropriated sources be used to fund exchange students in excess of the limit set by this section.

Section 525—Review of Legal Status of Junior ROTC Program

This section would require the Secretary of Defense to review the 1976 legal opinion issued by the Department of Defense General Counsel that determined that Junior Reserve Officers' Training Corps (JROTC) instructors may be transported to a non-host school only to teach students previously enrolled in the JROTC unit at the host school, and only when it is impractical to require them to take courses at that host school. The purpose of the secretary's review would be to determine whether changes in law since 1976, including the repeal of the statutory limits on the number of JROTC units, and local school redistricting, which have split a host school's JROTC students into nearly equal groups, would now allow for the instructors from a host school to travel to and instruct JROTC students at another nearby school. This section also would allow a host school that is currently providing for the assignment of JROTC instructors to another school with 70 or more students the authority to continue such support until 180 days following the submission of the report by the Secretary of Defense.

SUBTITLE D—GENERAL SERVICE AUTHORITIES

Section 531—Test of Utility of Test Preparation Guides and Education Programs in Enhancing Recruit Candidate Performance on the Armed Services Vocational Aptitude Battery (ASVAB) and Armed Forces Qualification Test (AFQT)

This section would require the Secretary of Defense to administer a test program conducted by the secretaries of the military departments to determine the utility of commercially available test preparation guides and education programs to assist recruit candidates in achieving improved scores on military recruit qualification tests. The Secretary would identify 2,000 recruit candidates to receive test preparation assistance and a like number of recruit candidates to participate in a control group to allow comparisons of test performance and subsequent duty performance in training and unit settings following active duty entry. The Secretary would begin the test within nine months following the date of enactment of this Act. The test would identify participants over a 1-year period from the start of the test and shall assess duty performance for each participant for 18 months following entry on active duty.

The committee has observed that there are many self-paced, computer assisted, and instructor led options for providing test preparation assistance for recruit qualification tests. The committee is interested in exploring the potential that these test preparation guides and education programs offer for the military to assist recruit candidates to achieve higher and more accurate aptitude and qualification scores. The committee believes that the test program proposed in this section would allow the Secretary to determine if test preparation assistance can be reliably used to improve the process by which recruits are placed in specialties and increase the number of youth that qualify for entry into the armed forces.

Section 532—Nondisclosure of Selection Board Proceedings

This section would clarify that selection board proceedings regarding promotion, retention, retirement, separation, and other personnel actions shall not be disclosed to any person who is not a board member and board records shall be immune from legal process, not be admitted as evidence, and not used for any judicial or administrative proceeding without the consent of the secretary concerned.

Section 533—Report on Extent of Provision of Timely Notice of Long-Term Deployments

This section would require the Secretary of Defense to report on the number of members of the Armed Forces who, since September 11, 2001, have not received at least 30-days notice prior to a deployment that was scheduled to last 180 days or more. This section would require the report be made to the Senate Committee on Armed Services and the House Committee on Armed Services no later than March 1, 2007.

SUBTITLE E—AUTHORITIES RELATING TO GUARD AND RESERVE
DUTY

Section 541—Title 10 Definition of Active Guard and Reserve Duty

This section would establish a new definition of “active guard and reserve” in section 101 of title 10, United States Code, and would also clarify the definition of “active guard and reserve duty” in the same section.

Section 542—Authority for Active Guard and Reserve Duties to Include Support of Operational Missions Assigned to the Reserve Components and Instruction and Training of Active-Duty Personnel

This section would authorize reserve component personnel performing active guard and reserve duty, as well as military technicians (dual status), to also instruct or train active duty members of the armed forces, members of the foreign military forces, and Department of Defense contractor personnel and civilian employees. This section would limit the instructional or training duty only to that conducted in the United States, its possessions, the District of Columbia and the Commonwealth of Puerto Rico. This section would also require that the performance of such instructional and training duty be in addition to, not in lieu of, the primary duties of personnel on active guard and reserve duty and military technicians (dual status), which is to assist in the organizing, administering, recruiting, instructing and training the reserve components.

Section 543—Governor’s Authority to Order Members to Active Guard and Reserve Duty

This section would authorize the governor of a State, or the Commonwealth of Puerto Rico, or the Virgin Islands, or the commanding general of the District of Columbia, to order members of the national guard to perform active guard and reserve duty, under title 32, United States Code, to support operations or missions at the request of the President or Secretary of Defense, or to support training operations and training missions assigned in whole or in part by the Secretary of the Army or the Secretary of the Air Force.

Section 544—National Guard Officers Authority to Command

This section would permit, with Presidential authorization and consent of the governor, any national guard officer to retain a State commission in the national guard while serving on active duty. Thus, the officer would possess a dual status, State and federal, that would permit the officer to command forces and mixed component units operating under title 10, United States Code, and under title 32, United States Code. This section would provide that the Presidential authorization and gubernatorial consent be obtained in advance in order to establish command succession in active duty and mixed component units.

Section 545—Expansion of Operations of Civil Support Teams

This section would expand the types of emergencies to which members of the reserve components who are assigned to weapons of mass destruction civil support teams might respond. Thus, this section would authorize employment of such teams in the United States in natural or manmade disasters, or in the intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States that results, or could result, in the catastrophic loss of life or property.

SUBTITLE F—DECORATIONS AND AWARDS

Section 551—Authority for Presentation of Medal of Honor Flag to Living Medal of Honor Recipients and to Living Primary Next-of-Kin of Deceased Medal of Honor Recipients

This section would allow the purchase and presentation of a Medal of Honor flag to all living Medal of Honor recipients or, if deceased, to their living primary next-of-kin.

Section 552—Cold War Victory Medal

This section would require the Secretary of Defense to design a Cold War Victory Medal and issue it, upon application by a servicemember, to those individuals who:

- (1) Performed active duty or inactive duty for training as an enlisted member, officer, or warrant officer, during the Cold War and completed an initial term of enlistment or obligation; or
- (2) If discharged before completion of the initial term of enlistment or obligation, was honorably discharged after completion of not less than 180 days of service on active duty.

Section 553—Posthumous Award of Purple Heart for Prisoners of War Who Die in or Due to Captivity

This section would require the Secretary of Defense to award, posthumously, the Purple Heart to a member of the armed forces who died while in captivity as a prisoner of war or died due to injury or illness obtained while in captivity as a prisoner of war. If a servicemember died prior to the enactment of this Act then the secretary concerned would award the Purple Heart, upon receipt of an application that is made to the secretary containing such information as the secretary requires, to the appropriate next-of-kin of the servicemember.

Section 554—Advancement on the Retired List of Certain Decorated Retired Navy and Marine Corps Officers

This section would require the Secretary of the Navy to advance to the next higher on the retired list of officers who had been specifically commended for performance of duty in combat during World War II. Advancement on the retired list had been promised to a number of officers with valor decorations during World War II, but officers have been denied the honor because they retired after the expiration of the authority in law. This section would allow ad-

vancement on the retired list, but would only be honorary and would have no affect on compensation or benefits.

Section 555—Report on Department of Defense Process for Awarding Decorations

This section would require the Secretary of Defense to review the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces. The object of the review is to ensure that award recommendations are submitted and processed in a timely fashion and that the same consideration and timeliness that is afforded recommendations for active duty personnel is also provided to recommendations for reserve component members. This section would require the Secretary of Defense, no later than 90 days after the date of the enactment of this act, to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services regarding the findings and recommendations, if any, for changes to the procedures and processes of the military departments.

SUBTITLE G—MATTERS RELATING TO CASUALTIES

Section 561—Criteria for Removal of Member from Temporary Disability Retired List

This section would clarify that a member with less than a 30 percent disability rating may not be removed from the temporary disability retired list (TDRL) and separated prior to the maximum TDRL period allowed by law unless the disability is of a permanent nature and stable.

Section 562—Department of Defense Computer/Electronic Accommodations Program for Severely Wounded Members

This section would authorize the Secretary of Defense to provide assistive technology, assistive technology devices, and assistive technology services to a member of the armed forces who has sustained a severe or debilitating illness or injury while serving in support of a contingency operation. This section would further authorize the Secretary to continue to provide such devices and services for an indefinite period, without regard to whether the person being assisted continues to be a member of the armed forces.

Section 563—Transportation of Remains of Casualties Dying in a Theater of Combat Operations

This section would require the Secretary of Defense to transport by air, when air transport is appropriate, the remains of military servicemembers who died during combat operations or who died of non-combat related injuries in the theater of combat, from Dover Air Force Base, Delaware, to the military airfield nearest to the servicemember's place of internment or, if the next-of-kin requests it, to the commercial airfield nearest the interment location. This section would also require that:

- (1) Either military aircraft or aircraft contracted by the military be dedicated to the exclusive mission of moving the remains;

(2) Active or reserve component military personnel escort the remains during transportation from Dover Air Force Base until the remains are delivered to the next-of-kin of the deceased servicemember or a representative of the next-of-kin; and

(3) A proper military escort, made up of, either, members of the active or reserve components, are present in sufficient number at the arrival airfield to remove the servicemember's remains from the aircraft and to render proper military honors.

This section would permit one exception to the use of military aircraft by authorizing the use of commercial airlines to move the servicemember's remains from Dover to the airport nearest to the servicemember's interment only if requested by the next-of-kin of the servicemember. The committee makes these recommendations based on a strong belief that the remains of our military men and women should be transported with the utmost ceremony, honors, and respect.

Section 564—Annual Budget Display of Funds for POW/MIA Activities of Department of Defense

This section would require the Secretary of Defense to submit to Congress, as a part of the Department of Defense justification material that supports the President's annual budget request, a consolidated budget justification display that includes the prior year and future year funding for all programs and activities of the following organizations whose missions involve the accounting for and recovery of military personnel of the armed forces who are missing in action or prisoners of war: the Defense Prisoner of War/Missing Personnel Office (DPMO), the Joint POW/MIA Accounting Command (JPAC), the Armed Forces DNA Identification Laboratory (AFDIL), and the Air Force's Life Sciences Equipment Laboratory (LSEL). The budget display should include for each of these organizations:

(1) The amount, by appropriation and functional area, originally requested for the fiscal year of the budget request, with the supporting narrative describing the rationale for the requested funding levels;

(2) A summary of actual or estimated expenditures for the two fiscal years preceding the fiscal year for which the budget is being submitted;

(3) The amounts requested in the budget for the fiscal year of the request;

(4) A detailed explanation of any inconsistencies between the amount originally requested by each organization and the amount of funds requested by the President's annual budget; and,

(5) The budget estimates for these organizations for the next five years.

The committee makes these recommendations because it believes that the mission to account for our missing servicemembers from past conflicts is a critical mission and to effectively perform its range of missions DPMO, JPAC, AFDIL, and LSEL must be fully resourced.

SUBTITLE H—ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR
DEFENSE DEPENDENTS EDUCATION

Section 571—Continuation of Authority to Assist Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees

This section would provide \$50.0 million for assistance to local educational agencies that have military dependent students comprising at least 20 percent of the students in average daily attendance during a year. This section would also provide \$15.0 million for assistance to local educational agencies that experience significant increases or decreases in the average daily attendance of military dependent students due to military force structure changes, the relocation of military forces from one base to another, and from base closures and realignments. The committee makes this recommendation in connection with its continuing strong support of the need to help local school districts with significant concentrations of military students.

Section 572—Enrollment in Defense Dependents' Education System of Dependents of Foreign Military Members Assigned to Supreme Headquarters Allied Powers, Europe

This section would authorize the Secretary of Defense to enroll on a space-required, tuition-free basis a limited number of dependents of foreign military members who are assigned to the Supreme Headquarters Allied Powers Europe, in the Department of Defense dependents' education system in Mons, Belgium.

SUBTITLE I—POSTAL BENEFITS

Section 575—Postal Benefits Program for Members of the Armed Forces

This section would require the Secretary of Defense, in consultation with the United States Postal Service, to provide a program of postal benefits to military members who are serving in Iraq or Afghanistan, or who are hospitalized at a medical facility under the jurisdiction of the armed forces as a result of disease or injury incurred while serving in Iraq or Afghanistan. The postal benefit would be provided using coupons or other forms of evidence indicating a mailing privilege to be used to mail letters, sound and video recordings, printed materials, or ground parcels not exceeding 15 pounds in weight at no cost. The section would require that the mailing privilege be exercised at a United States post office and be addressed to a qualified individual.

Section 576—Funding

This section would specify that the Secretary of Defense shall provide funding to support the operation of the postal benefit program from funds appropriated for a contingent emergency reserve fund or as an emergency supplemental appropriation. This section would also require the Secretary to closely coordinate the transfer of funding to support the program with the United States Postal Service.

Section 577—Duration

This section would specify that the Secretary of Defense shall operate the postal benefit program for the one-year period beginning on the date on which the Secretary publishes regulations to administer the program.

SUBTITLE J—OTHER MATTERS

Section 581—Reduction in Department of Defense Accrual Contributions to Department of Defense Military Retirement Fund

This section would reduce the Department of Defense's accrual contributions into the Military Retirement Fund by requiring the department to contribute at the lower, more appropriate part-time rate for reserve component soldiers who are mobilized or on active duty for special work. Under current law, the department must make a contribution for such reserve component personnel at the higher, full-time rate even though when the reserve component personnel retire their reserve retirement annuity would be lower than the retirement annuity of an active component member.

Section 582—Dental Corps of the Bureau of Medicine and Surgery

This section would change the current structure of the Department of the Navy Bureau of Medicine and Surgery by eliminating the requirement for a separate dental division within the bureau. However, this section would also establish the Dental Corps within the bureau and provide for the integration of the Dental Corps into the operations of the bureau.

Section 583—Permanent Authority for Presentation of Recognition Items for Recruitment and Retention Purposes

This section would make permanent the authority in section 2261 of title 10, United States Code, to expend appropriated funds to procure recognition items of nominal or modest value for recruitment or retention purposes and to present such items to members of the armed forces and to family members of members of the armed forces, and other individuals, recognized as providing support that substantially facilitates service in the armed forces.

Section 584—Report on Feasibility of Establishment of Military Entrance Processing Command Station on Guam

This section would require the Secretary of Defense to submit a report by June 1, 2007, on the feasibility and cost effectiveness of establishing on Guam a military entrance processing station for new recruits of the armed forces who are drawn from the western Pacific region. The Secretary's report would be provided to the Senate Committee on Armed Services and to the House Committee on Armed Services.

Section 585—Persons Authorized to Administer Enlistment and Appointment Oaths

This section would allow the Secretary of Defense to designate who is authorized to administer an enlistment or appointment oath, and would expand the number of people eligible to administer

such oaths when the situation dictates. Sections 502 and 1031 of title 10, United States Code, currently permit any commissioned officer of any component of the armed forces to administer such oaths. By contrast, section 936(b)(6) of title 10 provides that the authority to administer oaths includes “[a]ll other persons designated by regulations of the armed forces or by statute.” This change would clarify any apparent contradictions between these sections of law.

Section 586—Repeal of Requirement for Periodic Department of Defense Inspector General Assessments of Voting Assistance Compliance at Military Installations

This section would eliminate the requirement for the Inspector General of the Department of Defense (DOD) to conduct periodic assessments of compliance with voting assistance requirements at military installations. The inspectors general of the Army, Navy and Air Force already conduct installation visits to assess this compliance; therefore, any visits made by the DOD Inspector General would duplicate that effort. This section would not change the requirement that the DOD inspector general provide Congress with an annual report consolidating, summarizing and independently assessing the results of the reviews by the military service inspectors general. Furthermore, the DOD Inspector General would still maintain the statutory authority to conduct installation assessment visits throughout the Department to augment those conducted by the inspectors general of the military services.

Section 587—Physical Evaluation Boards

This section would make the following improvements to Physical Evaluation Board (PEB) operations and timeliness and consistency of decisions:

- (1) Require the secretaries of the military departments to ensure that documents announcing decisions of PEBs convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member’s case.
- (2) Require the Secretary of Defense to publish regulations establishing requirements and training standards for Physical Evaluation Board liaison officers and to assess the compliance of the secretaries of the military departments with those regulations at least once every three years; and
- (3) Require the Secretary of Defense to publish regulations establishing standards and guidelines concerning PEB assignment and training of staff, operating procedures, and consistency and timeliness of board decisions and to assess the compliance of the secretaries of the military departments with those regulations at least once every three years.

As the war placed greater demands on the disability evaluation system, the committee observed increased complaints from servicemembers, particularly reserve component members, about the consistency and timeliness of PEB decisions, the ability of members to gain information about PEB procedures, and the rationale supporting board decisions. The committee also noted that the Government Accountability Office report, *Military Disability System: Improved Oversight Needed to Ensure Consistent and*

Timely Outcomes for Reserve and Active Duty Service Members (GAO-06-362), March 2006, was critical of the absence of oversight management of the PEBs exercised by the Department of Defense. The committee believes that the initiatives proposed in this section would result in enhanced consistency and timeliness of PEB decisions and improved communication with members being serviced by the disability evaluation system.

Section 588—Department of Labor Transitional Assistance Program

This section would require participation by eligible members of the armed forces within the Department of Defense in the transitional assistance program provided by the Secretary of Labor. The Secretary of Defense is not required but shall encourage members to attend the program if they have previously participated in the program or upon discharge from active duty, are returning to an employment position or are enrolled in school.

Section 589—Revision in Government Contributions to Medicare-Eligible Retiree Health Care Fund

This section would change the formula by which the government makes annual contributions to the Medicare-eligible Uniformed Services Retiree Health Care Fund. This fund is used to finance the health care provided by the uniformed services to retirees of those services who are also eligible to receive health care under Medicare. The section would not make any change in the health care benefits provided to Medicare-eligible uniformed services retirees. The section, however, would reduce the annual government contribution to the fund by changing the formula for calculating that contribution, as follows:

- (1) Excluding the cadets and midshipmen at the service academies of the armed forces;
- (2) Excluding members of the reserve components who are not counted against active component end strength by reason of section 115(i) of title 10, United States Code; and
- (3) Basing the calculation on Selected Reserve strength, not the strength of the larger Ready Reserve.

The section would also restate and clarify Congressional intent, enacted by section 725 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), by prohibiting any funds authorized or appropriated to the Department of Defense from being used to make any payment to the fund. Then, as now, the committee intends that the Secretary of the Treasury, not the Secretary of Defense, be wholly, completely and exclusively responsible for making the annual accrual payments required by Chapter 56 of title 10 United States Code. Therefore, the committee also directs that no annual accrual payment required by Chapter 56 be charged, credited, or classified in any budget formulation, budget functional classification or scoring of mandatory or discretionary spending against the Department of Defense. The committee takes this action because budget requests since the enactment of section 725 have not complied with Congressional intent.

Section 590—Military Chaplains

This section would establish that chaplains in each of the military services would have the prerogative to pray according to the dictates of their own consciences, except as must be limited by military necessity. The section would also clarify that whenever a limitation for military necessity was applied it would be imposed in the least restrictive manner feasible.

Section 591—Report on Personnel Requirements for Airborne Assets Identified as Low-Density, High-Demand Airborne Assets

This section would require the Secretary of Defense to submit a report, not later than 90 days after enactment of this Act, on personnel requirements and shortfalls for airborne assets identified as low-density, high-demand airborne assets based on combatant commander requirements to conduct and sustain operations for the global war on terrorism, and would include: the number of operations and maintenance crews to meet tasking contemplated to conduct operations for the global war on terrorism; the current numbers of operations and maintenance crews; if applicable, shortages of operations and maintenance crews; whether such shortages are addressed in the future years defense program; whether end-strength increase are required to meet any such shortages; costs of personnel needed to address shortfalls; and if applicable, the number and types of equipment needed to address training shortfalls.

Section 592—Entrepreneurial Service Members Empowerment Task Force

This section would require the Secretary of Defense, in coordination with the Administrator of the Small Business Administration, to establish a task force to provide timely input and recommendations to both the secretary and the administrator on:

- (1) Measures to improve not only programs designed to address the economic concerns, challenges and opportunities of reserve component members; and,
- (2) The coordination among various governmental entities whose programs could assist reserve component members with those economic concerns, challenges and opportunities.

This section would authorize the task force to operate until September 30, 2009.

Section 593—Comptroller General Report on Military Conscientious Objectors

This section would require the Comptroller General to submit to Congress, not later than 180 days after enactment of this Act, a report concerning members of the Armed Forces who have claimed the status as a military conscientious objector between January 1, 1989 and December 31, 2006.

Section 594—Commission on the National Guard and Reserves

This section would amend section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) to extend the Commission on the National Guard and Reserves by six months. This section would also direct the

commission to study and report to Congress by March 1, 2007, on the following additional matters: the advisability and feasibility of implementing the provisions of H.R. 5200 of the 109th Congress; whether the Chief, National Guard Bureau, should serve in the grade of general in his current capacity; and whether the Department of Defense processes for defining the equipment and funding necessary for the National Guard to perform its responsibilities, under title 10, United States Code, and title 32, United States Code, are adequate.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

OVERVIEW

The committee continues to believe that successful recruiting and retention in a wartime environment is directly dependent on the close oversight of compensation and benefit programs to ensure that they remain current, flexible, and effective. Accordingly, the committee recommends an across-the-board pay raise of 2.7 percent and a further adjustment to the military pay table to target increases to mid-grade and senior noncommissioned officers and warrant officers. The committee also recognizes that some previously adopted compensation policies, bonuses, and special pays require modification to ensure they remain current and effective and the committee has recommended a number of such adjustments.

The committee remains committed to protecting and enhancing military exchange, commissary, and morale, welfare, and recreation programs. Accordingly, the committee has included provisions that would clarify the primacy of nonappropriated fund activities in providing ancillary support services when government property is leased to private parties, specify the allocation of revenue received by commissaries for certain products, and require a test of golf carts that are accessible to disabled persons.

ITEMS OF SPECIAL INTEREST

Elimination of the Survivor Benefit Plan Two-Tier Annuity Computation System

The committee has learned that there may be approximately 137 Survivor Benefit Plan (SBP) annuitants experiencing a reduction in their overall compensation as a result of the phased elimination of the two-tier annuity computation for surviving spouses enacted in the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–136). The committee believes that the reduction in overall income may result in those cases where annuitants receive full payment of Dependency Indemnity Compensation (DIC) from the Department of Veterans Affairs and Supplemental Survivor Benefit Program (SSBP) benefits without the dollar for dollar offset that is taken from standard SBP payments. The committee notes that retirees were charged higher premiums to participate in SSBP and specifically counter the reduction in SBP benefits that occurs when annuitants arrive at age 62 and social security benefits became available. The committee fears that as the phased elimination of the two-tier system progresses, the SSBP payments are being in-